

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GENERAL STAR NATIONAL INSURANCE
COMPANY,

Plaintiff,

-against-

VERIFIED ANSWER TO
COMPLAINT FOR
DECLARATORY RELIEF
AND INTERPLEADER

GINETTI TRUCKING, LLC; EDDYS N. GARCIA,
as Administrator of the Goods, Chattels and Credits
which were of WENDY SANTOS, deceased;
EDDYS N. GARCIA, individually; EDDY I. GARCIA,
an infant by his father and natural guardian EDDYS N.
GARCIA; KENNY GARCIA, an infant by his father and
natural guardian, EDDYS N. GARCIA; OLGA GARCIA,
RAFAEL SALVADOR; and KEYLIE SALVADOR, an
infant by her mother and natural guardian, OLGA GARCIA,

1:08-CV-02957 GEL

Defendants.
-----X

Defendants OLGA GARCIA, individually, RAFAEL SALVADOR, individually,
KEYLIE SALVADOR, an infant by her mother and natural guardian OLGA GARCIA,
by their attorneys, Yanover & Yanover, answering the Complaint for Declaratory Relief
and Interpleader by GENERAL STAR NATIONAL INSURANCE COMPANY
respectfully states as follows:

GENERAL ALLEGATIONS

1. Denies knowledge or information as to the allegations set forth in paragraph
"17" of the Complaint.

THE GENERAL STAR POLICY

2. Denies knowledge or information as to the allegations set forth in paragraph "18" of the Complaint to the extent that it is alleged the policy annexed as Exhibit "A" is a true and accurate copy of said policy.

3. Denies knowledge or information as to the allegations set forth in paragraph "21" of the Complaint.

THE UNDERLYING LAWSUITS AND THE ACCIDENT
PLAINTIFF'S CLAIMS AGAINST GENERAL STAR

4. Denies the allegations set forth in paragraph "30" of the Complaint to the extent that it alleges that neither the Ginnetti vehicles nor the accident plaintiffs' claims for damages against Ginnetti are covered under the terms of the General Star Policy.

5. Denies the allegations set forth in paragraph "31" of the Complaint to the extent that it alleges the Ginnetti vehicles were not covered under the General Star policy and refers all questions of law to the Court.

6. Denies the allegations set forth in paragraph "32" of the Complaint to the extent it alleges that the Ginnetti vehicles were not covered under the General Star policy and refers all questions of law to the Court.

7. Denies the allegations set forth in paragraph "33" of the Complaint and refers all questions of law to the Court.

8. Denies the allegations set forth in paragraphs "34" of the Complaint and refers all questions of law to the Court.

9. Denies the allegations set forth in paragraph "35" of the Complaint and refers all questions of law to the Court.

FIRST COUNT: DECLARATORY JUDGMENT
AS TO ALL DEFENDANTS

10. Defendants incorporate all of their responses to the allegations set forth in paragraphs "1" through "35" of the Complaint as if set forth fully herein.

11. Denies the allegations set forth in paragraphs "37" and "38" of the Complaint.

12. Denies the allegations set forth in paragraphs "39" and "40" of the Complaint and refers all questions of law to the Court.

13. Denies upon information and belief the allegations set forth in paragraphs "41" of the Complaint and refers all questions of law to the Court.

Dated: Uniondale, New York
June 4, 2008

Respectfully submitted,


YANOVER & YANOVER

ADAM C. YANOVER

Attorneys for Defendants

OLGA GARCIA, individually, RAFAEL
SALVADOR and KEYLIE

SALVADOR an

infant by her mother and natural guardian
OLGA GARCIA

50 Charles Lindbergh Blvd. Suite 400

Uniondale, New York 11553

(516) 390-4735

TO:

DAY PITNEY LLP
Attorneys for Plaintiff
GENERAL STAR NATIONAL INSURANCE CO.
242 Trumbull Street
Hartford, CT 06103

LESTER, SCHWAB, KATZ & DWYER
Attorneys for Defendant
GINNETTI TRUCKING, LLC
120 Broadway
New York, NY 10271

GAIR, GAIR, CONASON
STEIGMAN & MACKAUF
Attorneys for Defendants
EDDYS N. GARCIA,
EDDY I. GARCIA and
KENNY J. GARCIA
80 Pine Street
New York, NY 10005

McELFISH LAW FIRM
Attorneys for Plaintiff
CANAL INSURANCE COMPANY
1112 N. Sherbourne Drive
West Hollywood, CA 90069

STATE OF NEW YORK)

:

s.s.:

COUNTY OF NASSAU)

ADAM C. YANOVER, the undersigned, an attorney admitted to practice in the Courts of New York State, states that he is a member of the firm of Yanover & Yanover attorneys for the defendants, RAFAEL SALVADOR, individually, OLGA GARCIA, individually, KEYLIE SALVADOR an infant by her mother and natural guardian OLGA GARCIA, in the within action; that deponent has read the foregoing Answer and knows its contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true. Deponent further states that the reason this verification is made by your deponent and not by the Defendants is/are that the Defendants is/are not within the county where deponent maintains his office.

The grounds of deponent's belief as to all matters not stated upon deponent's own knowledge are consultations had with the defendants and investigation and data in deponent's possession.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: Uniondale, New York
June 4, 2008


ADAM C. YANOVER

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

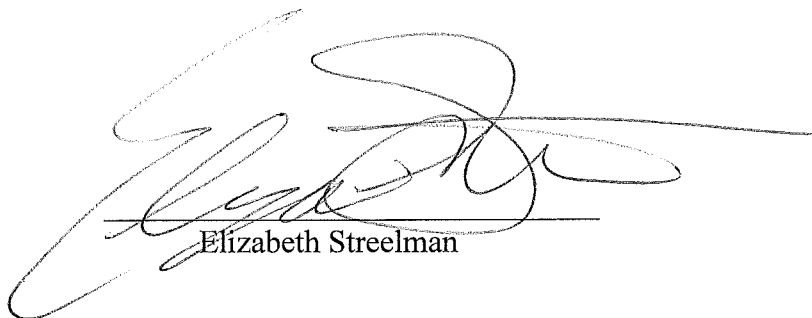
Elizabeth Streelman, being duly sworn, deposes and says:

That she is over eighteen years of age; is not a party to this action; and is employed by the attorneys for the plaintiff(s) herein. That on June 10, 2008 she served the within:

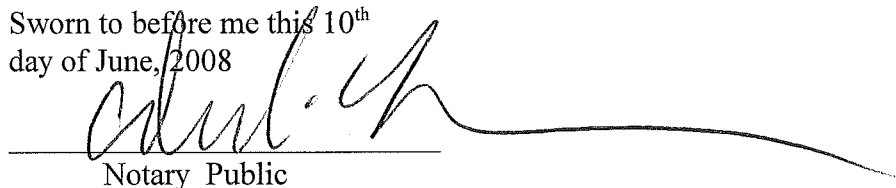
**VERIFIED ANSWER TO COMPLAINT FOR
DECLARATORY RELIEF & INTERPLEADER**

upon the following, at the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Annexed Attorneys List


Elizabeth Streelman

Sworn to before me this 10th
day of June, 2008


Notary Public

ADAM C. YANOVER, ESQ.
NOTARY PUBLIC, State of New York
No. 02YA6054379
Qualified in Nassau County
Commission Expires January 29, 2011 //

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Docket no.: 1:08-CV-02957 GEL

GENERAL STAR NATIONAL INSURANCE COMPANY,

Plaintiff,

-against-

GINETTI TRUCKING, LLC, a Connecticut Limited
Liability Corporation, et. al.,

Defendants.

VERIFIED ANSWER TO COMPLAINT FOR DECLARATORY RELIEF & INTERPLEADER

YANOVER & YANOVER

Attorney for Plaintiff(s)
50 Charles Lindbergh Boulevard, Suite 400
Uniondale, NY 11553
(516) 390-4735

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature:


ADAM C. YANOVER, ESQ.

Service of a copy of the within
Dated:

is hereby admitted.

Attorney for

PLEASE TAKE NOTICE

NOTICE OF ENTRY

☐

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

NOTICE OF SETTLEMENT

☐

that an Order of which the within is a true copy will be presented for settlement to the
one of the Judges of the within named

Hon.
Court,
at
on

, at 9:30 A.M.

YANOVER & YANOVER

Attorney for Plaintiff(s)
50 Charles Lindbergh Boulevard, Suite 400
Uniondale, NY 11553
(516) 390-4735